

REMARKS

Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite; claims 1 and 8-10 were rejected under 35 U.S.C. 102(b) as being anticipated by Tsai; and claims 2-7 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai as applied to claims 1 and 8-10, and further in view of Wolf.

The pre-metal spacer in claim 1 refers to the metal contact 90D formed after the formation of the pre-metal spacer. This is described in the disclosure and clearly shown in Figure 2. Claim 1 is allowable over 35 U.S.C. 112.

In forming the rejection of claim 1 the examiner states that the Tsai et al. patent describes etching the nitride spacer layer (inherently some of the nitride will be left from the etching). The Tsai et al. patent teaches "[I]n this invention the risk of bridging is eliminated via the removal of the top layer of the dual insulator spacer titanium nitride 14 during the unreacted titanium removal procedure" (col. 5, lines 53-56). The Tsai et al. patent teaches the removal of the titanium nitride layer 14. Figure 8 of the Tsai et al. patent shows the complete removal of the titanium nitride layer. There is no material left after etching and there is no inherency as suggested by the examiner. In fact the choice of titanium nitride for use in forming the spacer layer 14 was predicated on not leaving any material after the removal process. All the elements of claims 1 and 8-10 are not found in the Tsai et al. patent and claims 1 and 8-10 are allowable over the cited art.

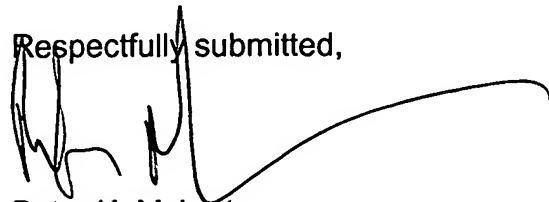
Claims 2-7, and 11-14 all depend from claim 1 and contain the limitations of claim 1. As described above claim 1 is allowable over the Tsai et al. patent. The Wolf reference does not contain the limitation of etching the nitride spacer layer and so cannot be properly combined with the Tsai et al. patent under 35 U.S.C. 103(a) to reject claims 2-7, and 11-14. Claims 2-7, and 11-14 are therefore allowable over the cited art.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicants petition for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter K. McLarty', with a long, sweeping horizontal line extending to the right.

Peter K. McLarty
Attorney for Applicants
Reg. No. 44,923

Texas Instruments Incorporated
P.O. Box 655474, MS 3999
Dallas, TX 75265
(972) 917-4258